

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FREEPLAY MUSIC, LLC,

Plaintiff,

v.

STUDIO SOL COMUNICAÇÃO DIGITAL LTDA.,

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT AND  
JURY DEMAND**

Plaintiff Freeplay Music, LLC (“FPM”), through its undersigned attorneys, Baker & Hostetler LLP, complains of defendant Studio Sol Comunicação Digital Ltda. (“Defendant”):

**Nature of the Action**

1. By this complaint, FPM—a music publisher that has invested and risked money, time, and energy to develop its catalog of copyrights—seeks redress for Defendant’s copyright infringement. Defendant has been exploiting, without authorization, 35 of FPM’s copyrighted sound recordings and compositions by incorporating them into its promotional videos. Despite being on notice of its infringement, Defendant has refused to remedy its wrongdoing, leaving FPM no alternative but to bring this action.

**Parties**

2. FPM is a Delaware limited liability company, with a principle place of business in New York, New York.

3. Studio Sol Comunicação Digital Ltda. (“Studio Sol”) is a limited liability company incorporated in Brazil. Its principal address is Rua Paraíba, n. 550, 22º Andar, Cidade de Belo Horizonte, Estado de Minas Gerais, Brazil, Zip Code 30130-140.

**Jurisdiction and Venue**

4. FPM's claims arise under the Copyright Act, 17 U.S.C. § 101 *et seq.* Subject matter jurisdiction over this action is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338.

5. Venue in this District is proper under 28 U.S.C. § 1391.

6. The Court has personal jurisdiction over Defendant because, upon information and belief, it derives substantial revenue from interstate commerce, conducts systematic and continuous business over the Internet, including through its highly interactive website and mobile applications, and has performed acts causing harm to FPM, including infringing copyrights belonging to FPM, a New York copyright holder, which give rise to this action.

**FPM and Its Business**

7. In 2001, Scott Schreer, one of America's most prolific and performed TV composers and producers, launched FPM, a high quality online music library. Schreer, whose credits include, among many others, the *NFL on Fox* theme, is also a contributing composer to a portion of FPM's catalogue.

8. FPM makes its catalogue available on its website. To download music, a user must obtain a license that corresponds to the user's use (i.e., personal, commercial, etc.). The cost of such license varies depending on use.

9. With over 200,000,000 impressions to its website as of 2013, FPM is one of the most widely trafficked production music libraries in the industry. Since August 2013, FPM has issued over 3.5 million licenses to the copyrighted music in its library.

10. When a user logs on to FPM's website, <http://www.freeplaymusic.com/>, the user is presented with a variety of choices and thousands of musical works (i.e., sound recordings and the underlying musical compositions), all of which are available for certain types of exploitation.

11. All use of FPM's music requires a license.

12. Until July 2013, any exploitation of FPM's music "posted on a website" required a paid license. After July 2013, a user could obtain a free license to use certain music in FPM's catalogue on YouTube, provided it was for "personal use only."

13. At all times relevant, any "business use" of FPM's music has required a paid license. The uses complained of herein are business uses.

### **Defendant**

14. Upon information and belief, Defendant owns and operates Cifra Club, the biggest music teaching website in Brazil. Cifra Club teaches users how to play music using video lessons, chords and tabs. Upon information and belief, Defendant promotes Cifra Club and other products and services to its customers through videos. These videos are available online, including, but not limited to, the Internet site hosted by YouTube, as well as through Defendant's mobile applications available to users worldwide.

15. Defendant used FPM's music to prepare videos promoting Cifra Club and other products and services, using FPM's music as a theme for those videos and as background in those videos.

16. Defendant uploaded the videos containing FPM's copyrighted music to the Internet and, upon information and belief, made them available through its mobile application for public access.

17. Defendant posted the videos at issue to the Internet and, upon information and belief, made them available through its mobile application for view by potential consumers, including those in New York.

18. Upon information and belief, Cifra Club received approximately 43,000 unique visitors in the last month from the United States who have visited the cifraclub.com.br site over 127,000 times in the same period. Upon information and belief, these United States visitors have made approximately 331,000 page views.

**The FPM Copyrights at Issue and Defendant's Unauthorized Exploitation**

***FPM's Copyrights***

19. FPM is the owner of the registered copyrights (the "FPM Copyrights") in and to the musical compositions and sound recordings (the "FPM Copyrighted Music") set forth below:

- a. "A New Day," covered by Registration No. SR 396- 282 covering the collection *Freeplay Music Corp./DVD #9*.
- b. "Americas Beauty," covered by Registration No. SR 633-494 covering the collection *Freeplay Music CD #15*.
- c. "Answers," covered by Registration No. SR 374-912 covering the collection *Freeplay Music Corp./DVD #3*.
- d. "Arriving Abroad" (retitled from "Untameable Fire") covered by Registration No. SR 382-040 covering the collection *Freeplay Music Corp./DVD #1*.
- e. "Bad Road," covered by Registration No. SR337-144 covering the collection *Hard Rock Vol 1*.
- f. "Bliss & Disguise" covered by Registration No. SR 382-040 covering the collection *Freeplay Music Corp./DVD #1*.
- g. "Burn Out" covered by Registration No. SR 406-235 covering the collection *Freeplay Music Corp./CD #11*.
- h. "Caribbean Bells" covered by Registration No. SR 633-487 covering the collection *Freeplay Music CD #14*.

- i. “Challenge” covered by Registration No. SR 333-618 covering the collection *World Mix Vol 4*.
- j. “Deep Fried” covered by Registration No. SR 411-915 covering the collection *Freeplay Music Corp./CD #10*.
- k. “Dixie Pickins” covered by Registration No. SR 336-939 covering the collection *Blues Volume 1*.
- l. “Downhill Rock” covered by Registration No. SR 374-912 covering the collection *Freeplay Music Corp./DVD #3*.
- m. “Glow” covered by Registration No. SR 374-912 covering the collection *Freeplay Music Corp./DVD #3*.
- n. “Head Them Up” covered by Registration No. SR 337-144 covering the collection *Hard Rock Vol 1*.
- o. “Journeys End” covered by Registration No. SR 337-059 covering the collection *Solo Instruments Volume 1*.
- p. “Lucky Sun” covered by Registration No. SR 382-040 covering the collection *Freeplay Music Corp./DVD #1*.
- q. “Mean Machine” covered by Registration No. SR 336-918 covering the collection *Sports Highlights Vol 2*.
- r. “Merry Surf Time” covered by Registration No. SR 633-487 covering the collection *Freeplay Music CD #14*.
- s. “Mr. Smith” covered by Registration No. SR 633-487 covering the collection *Freeplay Music CD #14*.
- t. “My Wild Child” covered by Registration No. SR 337-216 covering the collection *Hip Hop Volume 1*.
- u. “Reggae Christmas” covered by Registration No. SR 633-487 covering the collection *Freeplay Music CD #14*.
- v. “Rock All Night” (retitled from “Up All Night”) covered by Registration No. SR 374-911 covering the collection *Moods And Grooves Volume 12*.
- w. “Rocked Up” covered by Registration No. SR 411-915 covering the collection *Freeplay Music Corp./CD #10*.
- x. “Rough Rouge” (retitled from Lipstick and Leather) covered by Registration No. SR 337-144 covering the collection *Hard Rock Volume 1*.

- y. “Scare” covered by Registration No. SR 374-912 covering the collection *Freeplay Music Corp./DVD #3*.
- z. “Seether” covered by Registration No. SR 374-912 covering the collection *Freeplay Music Corp./DVD #3*.
- aa. “Shift Up” covered by Registration No. SR 374-914 covering the collection *Freeplay Music Corp./DVD #7*.
- bb. “Stomp Box” covered by Registration No. SR 336-939 covering the collection *Blues Vol 1*.
- cc. “Stratosphere” covered by Registration No. SR336-939 covering the collection *Blues Vol 1*.
- dd. “Tea For Two” covered by Registration No. SR 382-040 covering the collection *Freeplay Music Corp./DVD #1*.
- ee. “That Hurts” covered by Registration No. SR 336-918 covering the collection *Sports Highlights Volume 2*.
- ff. “Ticker Shock” covered by Registration No. SR 333-636 covering the collection *Business & Finance Volume 1*.
- gg. “Trudge” covered by Registration No. SR 333-651 covering the collection *Alternative Rock Volume 1*.
- hh. “Uptown Blues” covered by Registration No. SR 336-939 covering the collection *Blues Vol 1*.
- ii. “Wild Child” covered by Registration No. SR 337-144 covering the collection *Hard Rock Volume 1*.

***Defendant’s Unlicensed Use of the Music Copyrights***

20. Defendant has engaged in at least 308 uses of the FPM Copyrights, including:
- a. FPM’s copyrighted musical work “A New Day” is exploited on the following website:  
<http://www.youtube.com/watch?v=Uf20QS2BQGs>.
  - b. FPM’s copyrighted musical work “Americas Beauty” is exploited on the following website: <http://www.youtube.com/watch?v=TMWOYQ5PD6M>.
  - c. FPM’s copyrighted musical work “Answers” is exploited on the following websites:  
<http://www.youtube.com/watch?v=963qqKAt7dQ>;  
<http://www.youtube.com/watch?v=FVA58c81EXU>;  
<http://www.youtube.com/watch?v=g5UyhQDVdRo>;  
<http://www.youtube.com/watch?v=Sn8dN5C187w>.

- d. FPM's copyrighted musical work "Arriving Abroad" is exploited on the following websites: <http://www.youtube.com/watch?v=1jFRiI4zGik>;  
<http://www.youtube.com/watch?v=Q3xtI8l1JsU>;  
<http://www.youtube.com/watch?v=Wv7vasBtv4c>;  
<http://www.youtube.com/watch?v=ZuLQMURzkuk>.
- e. FPM's copyrighted musical work "Bad Road" is exploited on the following websites:  
[http://www.youtube.com/watch?v=\\_2Pc9t3xtJc](http://www.youtube.com/watch?v=_2Pc9t3xtJc);  
[http://www.youtube.com/watch?v=\\_HLMHTev4f0](http://www.youtube.com/watch?v=_HLMHTev4f0);  
[http://www.youtube.com/watch?v=\\_VmV3d4MkHE](http://www.youtube.com/watch?v=_VmV3d4MkHE);  
[http://www.youtube.com/watch?v=\\_zcEenA3IS8](http://www.youtube.com/watch?v=_zcEenA3IS8);  
<http://www.youtube.com/watch?v=0d8faf7p6WY>;  
<http://www.youtube.com/watch?v=0NU0o-bRcI4>;  
<http://www.youtube.com/watch?v=0ZjTxV-Qzq4>;  
<http://www.youtube.com/watch?v=1gerjsW2LRI>;  
<http://www.youtube.com/watch?v=1yZfjtD6xiA>;
- f. <http://www.youtube.com/watch?v=3Ij-dTaDZdo>;  
<http://www.youtube.com/watch?v=6JCD6k81gYk>;  
<http://www.youtube.com/watch?v=6LUsvrvK2ek>;  
<http://www.youtube.com/watch?v=6PTbyi--Dqw>;  
<http://www.youtube.com/watch?v=76PSIaiWCtl>;  
<http://www.youtube.com/watch?v=9unEDo3GRSE>;  
<http://www.youtube.com/watch?v=ad205LqCpLs>;  
<http://www.youtube.com/watch?v=aPKkB6ozJ0w>;  
<http://www.youtube.com/watch?v=b898wrFBifQ>;  
<http://www.youtube.com/watch?v=BAitCWVBq3s>;  
<http://www.youtube.com/watch?v=BbKKV2gANI0>;  
<http://www.youtube.com/watch?v=Bg4GekALe1Q>;  
<http://www.youtube.com/watch?v=BLrgUmc47bU>;  
<http://www.youtube.com/watch?v=brfONFb2E58>;  
<http://www.youtube.com/watch?v=bSdwR67DjfY>;  
<http://www.youtube.com/watch?v=bU3ailtExA8>;  
[http://www.youtube.com/watch?v=c5EgFBEhO\\_U](http://www.youtube.com/watch?v=c5EgFBEhO_U);  
<http://www.youtube.com/watch?v=cjF17rCySyo>;  
<http://www.youtube.com/watch?v=cvyK4lp5Um4>;  
<http://www.youtube.com/watch?v=D8Upq6CQI3M>;  
<http://www.youtube.com/watch?v=dwpkl4xOeDw>;  
<http://www.youtube.com/watch?v=DyPA2W-W4ns>;  
<http://www.youtube.com/watch?v=e4PSXwi7t90>;  
[http://www.youtube.com/watch?v=EyGZb\\_hhR7A](http://www.youtube.com/watch?v=EyGZb_hhR7A);  
<http://www.youtube.com/watch?v=F7h4UQ1ry5g>;  
<http://www.youtube.com/watch?v=GAFf9uUBWLI>;  
<http://www.youtube.com/watch?v=geo8APu5IjA>;  
[http://www.youtube.com/watch?v=Iga4ZnTUV\\_Q](http://www.youtube.com/watch?v=Iga4ZnTUV_Q);  
<http://www.youtube.com/watch?v=JO25PiBIPrY>;  
<http://www.youtube.com/watch?v=JsJF8LD9QQ4>;

<http://www.youtube.com/watch?v=jUIQn7SlmuM>;  
<http://www.youtube.com/watch?v=KiHyMm8EibI>;  
<http://www.youtube.com/watch?v=ky2WWcYwj18>;  
<http://www.youtube.com/watch?v=L2EvCTcGBXg>;  
<http://www.youtube.com/watch?v=M6OK2fZx8u0>;  
<http://www.youtube.com/watch?v=n893XLXjGYI>;  
<http://www.youtube.com/watch?v=NHT5jmmObpg>;  
<http://www.youtube.com/watch?v=nNBG4nox9XQ>;  
<http://www.youtube.com/watch?v=nzikwpox6Y0>;  
<http://www.youtube.com/watch?v=OUVwKENnNSc>;  
<http://www.youtube.com/watch?v=OyUefXUZwWc>;  
[http://www.youtube.com/watch?v=p4\\_B-Y\\_VSTc](http://www.youtube.com/watch?v=p4_B-Y_VSTc);  
<http://www.youtube.com/watch?v=pYpE6uFJY8s>;  
<http://www.youtube.com/watch?v=qgoHxHIBGW0>;  
<http://www.youtube.com/watch?v=qLna6JZ1mWQ>;  
<http://www.youtube.com/watch?v=RQSSa1XxJmc>;  
<http://www.youtube.com/watch?v=SnwCtjLzF4g>;  
[http://www.youtube.com/watch?v=t\\_uswXfpCxEx](http://www.youtube.com/watch?v=t_uswXfpCxEx);  
<http://www.youtube.com/watch?v=tj03HDCCpKY>;  
<http://www.youtube.com/watch?v=-Tr1o5MrLiE>;  
<http://www.youtube.com/watch?v=ujSl6Cmyn-Y>;  
<http://www.youtube.com/watch?v=w0nLmxtryuY>;  
[http://www.youtube.com/watch?v=W5U5\\_CndWvo](http://www.youtube.com/watch?v=W5U5_CndWvo);  
[http://www.youtube.com/watch?v=wIPPFK\\_bOxU](http://www.youtube.com/watch?v=wIPPFK_bOxU);  
<http://www.youtube.com/watch?v=XE2maKYGvqw>;  
<http://www.youtube.com/watch?v=y-FKzVkGiDI>;  
<http://www.youtube.com/watch?v=yRNTbGIQ80E>;  
<http://www.youtube.com/watch?v=ZJvLDV-3UAY>.

- g. FPM's copyrighted musical work "Bliss & Disguise" is exploited on the following websites: <http://www.youtube.com/watch?v=4pC6IXKnBGA>;  
<http://www.youtube.com/watch?v=k913mDgBDEk>;  
<http://www.youtube.com/watch?v=Q3xtI8l1JsU>;  
<http://www.youtube.com/watch?v=Wv7vasBtv4c>.
- h. FPM's copyrighted musical work "Burn Out" is exploited on the following website:  
<http://www.youtube.com/watch?v=WQymwxM4abY>.
- i. FPM's copyrighted musical work "Caribbean Bells" is exploited on the following website:  
<http://www.youtube.com/watch?v=Gru4u9FzDuI>.
- j. FPM's copyrighted musical work "Challenge" is exploited on the following website:  
<http://www.youtube.com/watch?v=ktHXxWPLeyU>.
- k. FPM's copyrighted musical work "Deep Fried" is exploited on the following website:  
<http://www.youtube.com/watch?v=WQymwxM4abY>.

- l. FPM's copyrighted musical work "Dixie Pickins" is exploited on the following websites:  
<http://www.youtube.com/watch?v=1qWUn0Uv8TQ;>  
[http://www.youtube.com/watch?v=4ryFCz\\_YXEs;](http://www.youtube.com/watch?v=4ryFCz_YXEs;)  
[http://www.youtube.com/watch?v=B4BMLr\\_7lbw;](http://www.youtube.com/watch?v=B4BMLr_7lbw;)  
<http://www.youtube.com/watch?v=Fj1WLY5q5B4;>  
<http://www.youtube.com/watch?v=gVmRpuHk0ok;>  
<http://www.youtube.com/watch?v=H8BwbB8OoTs;>  
<http://www.youtube.com/watch?v=qHwrEOEdN5E;>  
<http://www.youtube.com/watch?v=r6X4IMHZ-rs;>  
<http://www.youtube.com/watch?v=U6gKDCIYg4o;>  
<http://www.youtube.com/watch?v=u6z2FAPw8ok;>  
[http://www.youtube.com/watch?v=vvQiAp5lv4A.](http://www.youtube.com/watch?v=vvQiAp5lv4A)
- m. FPM's copyrighted musical work "Downhill Rock" is exploited on the following website:  
[http://www.youtube.com/watch?v=TuP06z6IgCk.](http://www.youtube.com/watch?v=TuP06z6IgCk)
- n. FPM's copyrighted musical work "Glow" is exploited on the following website:  
[http://www.youtube.com/watch?v=TMWOYQ5PD6M.](http://www.youtube.com/watch?v=TMWOYQ5PD6M)
- o. FPM's copyrighted musical work "Head Them Up" is exploited on the following websites: [http://www.youtube.com/watch?v=\\_HF5MzQOAK0;](http://www.youtube.com/watch?v=_HF5MzQOAK0;)  
<http://www.youtube.com/watch?v=0ZLy4ywawDE;>  
<http://www.youtube.com/watch?v=2EHYdpJKuig;>  
<http://www.youtube.com/watch?v=2U9jkOPSEhU;>  
<http://www.youtube.com/watch?v=3dx85PQL4yQ;>  
<http://www.youtube.com/watch?v=4rUo-OGiCM4;>  
<http://www.youtube.com/watch?v=5T0wdhn7BDs;>  
<http://www.youtube.com/watch?v=7FSmTm5lTMU;>  
<http://www.youtube.com/watch?v=8ECE1ZHt3e4;>  
<http://www.youtube.com/watch?v=8kHsdsN3sZg;>  
[http://www.youtube.com/watch?v=A\\_GPdS-eUsM;](http://www.youtube.com/watch?v=A_GPdS-eUsM;)  
<http://www.youtube.com/watch?v=alHPW3j8W0Q;>  
<http://www.youtube.com/watch?v=amVapPantX0;>  
<http://www.youtube.com/watch?v=bhir4oY-64Y;>  
<http://www.youtube.com/watch?v=BQxc8hjB4Mk;>  
<http://www.youtube.com/watch?v=D7WeZqRKmC4;>  
<http://www.youtube.com/watch?v=Dfp7HZROPzc;>  
<http://www.youtube.com/watch?v=DH6jX-iNjUk;>  
<http://www.youtube.com/watch?v=e9YFafh6qDU;>  
<http://www.youtube.com/watch?v=EjtrMLjdXig;>  
[http://www.youtube.com/watch?v=f\\_M7EQrdDss;](http://www.youtube.com/watch?v=f_M7EQrdDss;)  
<http://www.youtube.com/watch?v=fCH5Y1j3jSA;>  
<http://www.youtube.com/watch?v=fP1LWNhDC9k;>  
<http://www.youtube.com/watch?v=gkjN4TMNOI4;>  
<http://www.youtube.com/watch?v=GmbXr5rdIs4;>  
<http://www.youtube.com/watch?v=gNgMwqRga0w;>  
<http://www.youtube.com/watch?v=GoaAb78fE-E;>

<http://www.youtube.com/watch?v=gqDRI9SzLfs;>  
<http://www.youtube.com/watch?v=gyQCFIEPV08;>  
<http://www.youtube.com/watch?v=hbnQMQQCHo4;>  
[http://www.youtube.com/watch?v=hw2qX94Q\\_o8;](http://www.youtube.com/watch?v=hw2qX94Q_o8;)  
[http://www.youtube.com/watch?v=hzN\\_TpUygG0;](http://www.youtube.com/watch?v=hzN_TpUygG0;)  
<http://www.youtube.com/watch?v=IChd8g2Q4yc;>  
<http://www.youtube.com/watch?v=idUEwGGYZOo;>  
<http://www.youtube.com/watch?v=k2mGIUcKqbk;>  
<http://www.youtube.com/watch?v=k2SQIEwvRp8;>  
<http://www.youtube.com/watch?v=KW63EwHRpg;>  
<http://www.youtube.com/watch?v=LKp0eIguWA;>  
<http://www.youtube.com/watch?v=LkVGyqJ7ExA;>  
<http://www.youtube.com/watch?v=lsm3qRJWfx8;>  
<http://www.youtube.com/watch?v=LYxg-LC039U;>  
<http://www.youtube.com/watch?v=mqlqAAkU064;>  
<http://www.youtube.com/watch?v=NUcLI974CcU;>  
<http://www.youtube.com/watch?v=NwVN6D3sCZs;>  
<http://www.youtube.com/watch?v=oBVt8dkSDY8;>  
<http://www.youtube.com/watch?v=OOQq5jx9v9E;>  
<http://www.youtube.com/watch?v=OqlnOYNOJck;>  
<http://www.youtube.com/watch?v=pdT7bW02YUU;>  
<http://www.youtube.com/watch?v=pq0qaPCcTGU;>  
<http://www.youtube.com/watch?v=qCyyv8Fa-dg;>  
<http://www.youtube.com/watch?v=QdnJcUWWyM8;>  
<http://www.youtube.com/watch?v=QiPT0NS5TKE;>  
<http://www.youtube.com/watch?v=QQ3FRPxAmRY;>  
<http://www.youtube.com/watch?v=qX5QH0FJLj4;>  
<http://www.youtube.com/watch?v=R3Jv5zP2VZE;>  
<http://www.youtube.com/watch?v=sASvkrGteYg;>  
<http://www.youtube.com/watch?v=SUTnIxcQwAM;>  
[http://www.youtube.com/watch?v=sW\\_Oems6qpE;](http://www.youtube.com/watch?v=sW_Oems6qpE;)  
<http://www.youtube.com/watch?v=T1ZdkIwEoqQ;>  
<http://www.youtube.com/watch?v=TgE2INooOHw;>  
<http://www.youtube.com/watch?v=tGjjbZRudlY;>  
[http://www.youtube.com/watch?v=TH\\_Lioxxb5o;](http://www.youtube.com/watch?v=TH_Lioxxb5o;)  
<http://www.youtube.com/watch?v=tLD9sad022o;>  
<http://www.youtube.com/watch?v=UEeuUaZ2y5I;>  
<http://www.youtube.com/watch?v=utjbk0mvajQ;>  
<http://www.youtube.com/watch?v=vHSM1FhWdoA;>  
<http://www.youtube.com/watch?v=VIsXb7TgHC0;>  
[http://www.youtube.com/watch?v=VSPF\\_BfoWSc;](http://www.youtube.com/watch?v=VSPF_BfoWSc;)  
[http://www.youtube.com/watch?v=W2e7WY4R\\_d4;](http://www.youtube.com/watch?v=W2e7WY4R_d4;)  
<http://www.youtube.com/watch?v=WiIWkNuc9js;>  
[http://www.youtube.com/watch?v=xD7\\_c7JpxOM;](http://www.youtube.com/watch?v=xD7_c7JpxOM;)  
<http://www.youtube.com/watch?v=xEbv8oYDsVw;>  
<http://www.youtube.com/watch?v=xGLadLqv7Jg;>

<http://www.youtube.com/watch?v=Xmsd3kAhJ4>;  
<http://www.youtube.com/watch?v=ymk9ChBMOcQ>;  
[http://www.youtube.com/watch?v=Z\\_p0nvUKECI](http://www.youtube.com/watch?v=Z_p0nvUKECI);  
<http://www.youtube.com/watch?v=zOWmH1CII10>;  
<http://www.youtube.com/watch?v=zWLetZZ7Pio>;  
<http://www.youtube.com/watch?v=ZYXwyLNAcCA>.

- p. FPM's copyrighted musical work "Journeys End" is exploited on the following website:  
<http://www.youtube.com/watch?v=jPjB4tckedk>.
- q. FPM's copyrighted musical work "Lucky Sun" is exploited on the following website:  
<http://www.youtube.com/watch?v=rdonL-OhwL4>.
- r. FPM's copyrighted musical work "Mean Machine" is exploited on the following websites:  
<http://www.youtube.com/watch?v=06B9zs1ZpQA>;  
<http://www.youtube.com/watch?v=BhraxH2P0aQ>;  
<http://www.youtube.com/watch?v=humQpepbqaI>;  
<http://www.youtube.com/watch?v=OS0P2wlo9E0>;  
<http://www.youtube.com/watch?v=qaZPiS69aOw>;  
[http://www.youtube.com/watch?v=qxcBEg\\_hzis](http://www.youtube.com/watch?v=qxcBEg_hzis);  
<http://www.youtube.com/watch?v=rqhb9T5nnyQ>;  
<http://www.youtube.com/watch?v=tDIcBCG9qe8>.
- s. FPM's copyrighted musical work "Merry Surf Time" is exploited on the following website: <http://www.youtube.com/watch?v=vlL4P7w-8RU>.
- t. FPM's copyrighted musical work "Mr. Smith" is exploited on the following website:  
<http://www.youtube.com/watch?v=9VXSLU7F8Us>.
- u. FPM's copyrighted musical work "My Wild Child" is exploited on the following website:  
<http://www.youtube.com/watch?v=N9xP0iXiNus>.
- v. FPM's copyrighted musical work "Reggae Christmas" is exploited on the following websites: <http://www.youtube.com/watch?v=9ISNaDk5E8s>;  
<http://www.youtube.com/watch?v=Q5wLczs6ElM>.
- w. FPM's copyrighted musical work "Rock All Night" is exploited on the following website:  
<http://www.youtube.com/watch?v=XiPz0ctJAAs>.
- x. FPM's copyrighted musical work "Rocked Up" is exploited on the following website:  
<http://www.youtube.com/watch?v=7CWQla7BRcC>.
- y. FPM's copyrighted musical work "Rough Rogue" is exploited on the following websites:  
<http://www.youtube.com/watch?v=963qqKAt7dQ>;  
<http://www.youtube.com/watch?v=FVA58c81EXU>;  
<http://www.youtube.com/watch?v=g5UyhQDVdRo>;  
<http://www.youtube.com/watch?v=Sn8dN5C187w>;

<http://www.youtube.com/watch?v=udzV4Ank-N0;>  
[http://www.youtube.com/watch?v=ZL\\_3zKf8nKM.](http://www.youtube.com/watch?v=ZL_3zKf8nKM)

- z. FPM's copyrighted musical work "Scared" is exploited on the following website:  
[http://www.youtube.com/watch?v=TuP06z6IgCk.](http://www.youtube.com/watch?v=TuP06z6IgCk)
- aa. FPM's copyrighted musical work "Seether" is exploited on the following website:  
[http://www.youtube.com/watch?v=1yZfjtD6xiA.](http://www.youtube.com/watch?v=1yZfjtD6xiA)
- bb. FPM's copyrighted musical work "Shift Up" is exploited on the following websites:  
<http://www.youtube.com/watch?v=11bOzBGVqqA;>  
<http://www.youtube.com/watch?v=9SBlwAkjFcc;>  
<http://www.youtube.com/watch?v=bkuXFrVJNBs;>  
<http://www.youtube.com/watch?v=CVJTgso2834;>  
<http://www.youtube.com/watch?v=eW2bG8La03Y;>  
<http://www.youtube.com/watch?v=TOD4AAK0zSs;>  
<http://www.youtube.com/watch?v=X041kH2-PoU;>  
[http://www.youtube.com/watch?v=ZE4aA-Nsjzw.](http://www.youtube.com/watch?v=ZE4aA-Nsjzw)
- cc. FPM's copyrighted musical work "Stomp Box" is exploited on the following website:  
[http://www.youtube.com/watch?v=g5UyhQDVdRo.](http://www.youtube.com/watch?v=g5UyhQDVdRo)
- dd. FPM's copyrighted musical work "Stratosphere" is exploited on the following website:  
[http://www.youtube.com/watch?v=g5UyhQDVdRo.](http://www.youtube.com/watch?v=g5UyhQDVdRo)
- ee. FPM's copyrighted musical work "Tea For Two" is exploited on the following websites:  
<http://www.youtube.com/watch?v=1jFRiI4zGik;>  
<http://www.youtube.com/watch?v=4pC6IXKnbgA;>  
[http://www.youtube.com/watch?v=usaNpDIp3cA.](http://www.youtube.com/watch?v=usaNpDIp3cA)
- ff. FPM's copyrighted musical work "That Hurts" is exploited on the following websites:  
[http://www.youtube.com/watch?v=\\_w0oN9EaU1w;](http://www.youtube.com/watch?v=_w0oN9EaU1w;)  
<http://www.youtube.com/watch?v=29PHO6yXg28;>  
<http://www.youtube.com/watch?v=4zxqbPOcNUs;>  
<http://www.youtube.com/watch?v=5qv73nEnp78;>  
<http://www.youtube.com/watch?v=60NX5Q3tlqw;>  
<http://www.youtube.com/watch?v=7ZeKxAL9OQo;>  
<http://www.youtube.com/watch?v=9LCikrcGklI;>  
<http://www.youtube.com/watch?v=aJ305FpWhfM;>  
<http://www.youtube.com/watch?v=BL89jYoAa8I;>  
<http://www.youtube.com/watch?v=CaaKdZ8pROc;>  
[http://www.youtube.com/watch?v=d\\_4P6h4vZIE;](http://www.youtube.com/watch?v=d_4P6h4vZIE;)  
[http://www.youtube.com/watch?v=FI\\_jZr5vzq0;](http://www.youtube.com/watch?v=FI_jZr5vzq0;)  
<http://www.youtube.com/watch?v=FyDEfccD50A;>  
[http://www.youtube.com/watch?v=G8vCn\\_qh3RA;](http://www.youtube.com/watch?v=G8vCn_qh3RA;)  
<http://www.youtube.com/watch?v=HIXn4ixF1Ko;>  
<http://www.youtube.com/watch?v=IRCUIhdsdPwE;>

<http://www.youtube.com/watch?v=o8Ic3zwxRTA;>  
<http://www.youtube.com/watch?v=Rk4SDVvp8TQ;>  
<http://www.youtube.com/watch?v=RyJIJyY3zhk;>  
<http://www.youtube.com/watch?v=sCaGhITRqQk;>  
<http://www.youtube.com/watch?v=T4R3Z9auJa0;>  
<http://www.youtube.com/watch?v=tEvspmYg3CY;>  
<http://www.youtube.com/watch?v=TksaTtlZ2wE;>  
<http://www.youtube.com/watch?v=ZgNBeRJRbBY;>  
[http://www.youtube.com/watch?v=zIAI7FoKdk8.](http://www.youtube.com/watch?v=zIAI7FoKdk8)

gg. FPM's copyrighted musical work "Ticker Shock" is exploited on the following website:  
[http://www.youtube.com/watch?v=uPmMK7th\\_W8.](http://www.youtube.com/watch?v=uPmMK7th_W8)

hh. FPM's copyrighted musical work "Trudge" is exploited on the following website:  
[http://www.youtube.com/watch?v=K\\_vno4Gs2wY.](http://www.youtube.com/watch?v=K_vno4Gs2wY)

ii. FPM's copyrighted musical work "Uptown Blues" is exploited on the following website:  
[http://www.youtube.com/watch?v=g5UyhQDVdRo.](http://www.youtube.com/watch?v=g5UyhQDVdRo)

jj. FPM's copyrighted musical work "Wild Child" is exploited on the following websites:

[http://www.youtube.com/watch?v=\\_C4Lughs\\_jQ;](http://www.youtube.com/watch?v=_C4Lughs_jQ)  
[http://www.youtube.com/watch?v=\\_ssCpAiWjlg;](http://www.youtube.com/watch?v=_ssCpAiWjlg)  
[http://www.youtube.com/watch?v=0ZLy4ywawDE;](http://www.youtube.com/watch?v=0ZLy4ywawDE)  
[http://www.youtube.com/watch?v=3dx85PQL4yQ;](http://www.youtube.com/watch?v=3dx85PQL4yQ)  
[http://www.youtube.com/watch?v=3u4c-BGiAP8;](http://www.youtube.com/watch?v=3u4c-BGiAP8)  
[http://www.youtube.com/watch?v=4MuAepNV2XU;](http://www.youtube.com/watch?v=4MuAepNV2XU)  
[http://www.youtube.com/watch?v=6A7QbUm-xck;](http://www.youtube.com/watch?v=6A7QbUm-xck)  
[http://www.youtube.com/watch?v=8xQy2dOS\\_8;](http://www.youtube.com/watch?v=8xQy2dOS_8)  
[http://www.youtube.com/watch?v=A\\_GPdS-eUsM;](http://www.youtube.com/watch?v=A_GPdS-eUsM)  
[http://www.youtube.com/watch?v=A9CjiHhPmaA;](http://www.youtube.com/watch?v=A9CjiHhPmaA)  
[http://www.youtube.com/watch?v=aD4rsxnYEvY;](http://www.youtube.com/watch?v=aD4rsxnYEvY)  
[http://www.youtube.com/watch?v=alHPW3j8W0Q;](http://www.youtube.com/watch?v=alHPW3j8W0Q)  
[http://www.youtube.com/watch?v=AqGoiTwfMt0;](http://www.youtube.com/watch?v=AqGoiTwfMt0)  
[http://www.youtube.com/watch?v=ArUHsPVRrik;](http://www.youtube.com/watch?v=ArUHsPVRrik)  
[http://www.youtube.com/watch?v=bEtLD2kwX6M;](http://www.youtube.com/watch?v=bEtLD2kwX6M)  
[http://www.youtube.com/watch?v=Dd8lky7KmUs;](http://www.youtube.com/watch?v=Dd8lky7KmUs)  
[http://www.youtube.com/watch?v=e9YFafh6qDU;](http://www.youtube.com/watch?v=e9YFafh6qDU)  
[http://www.youtube.com/watch?v=EjtrMLjdXig;](http://www.youtube.com/watch?v=EjtrMLjdXig)  
[http://www.youtube.com/watch?v=FRp3rxU\\_ONY;](http://www.youtube.com/watch?v=FRp3rxU_ONY)  
[http://www.youtube.com/watch?v=fxt8MXMnWik;](http://www.youtube.com/watch?v=fxt8MXMnWik)  
[http://www.youtube.com/watch?v=G-CkMKZNQQ0;](http://www.youtube.com/watch?v=G-CkMKZNQQ0)  
[http://www.youtube.com/watch?v=gkjN4TMNOI4;](http://www.youtube.com/watch?v=gkjN4TMNOI4)  
[http://www.youtube.com/watch?v=gqDRl9SzLfs;](http://www.youtube.com/watch?v=gqDRl9SzLfs)  
[http://www.youtube.com/watch?v=HVfNx\\_FPOHM;](http://www.youtube.com/watch?v=HVfNx_FPOHM)  
[http://www.youtube.com/watch?v=hw2qX94Q\\_o8;](http://www.youtube.com/watch?v=hw2qX94Q_o8)  
[http://www.youtube.com/watch?v=hzN\\_TpUygG0;](http://www.youtube.com/watch?v=hzN_TpUygG0)  
[http://www.youtube.com/watch?v=I9dLQVzOjAk;](http://www.youtube.com/watch?v=I9dLQVzOjAk)

<http://www.youtube.com/watch?v=IChd8g2Q4yc;>  
<http://www.youtube.com/watch?v=idUEwGGYZOo;>  
<http://www.youtube.com/watch?v=IfPmb5OvxW0;>  
<http://www.youtube.com/watch?v=iqBLaP70z5c;>  
<http://www.youtube.com/watch?v=jc8Cx1dip9Y;>  
<http://www.youtube.com/watch?v=KJPfj0LRYdA;>  
<http://www.youtube.com/watch?v=kR6P8ChB9fY;>  
<http://www.youtube.com/watch?v=mDKMuRGZR84;>  
<http://www.youtube.com/watch?v=MQ5-apslADQ;>  
<http://www.youtube.com/watch?v=N9xP0iXiNus;>  
<http://www.youtube.com/watch?v=NCxcHMqFeCk;>  
<http://www.youtube.com/watch?v=OOQq5jx9v9E;>  
<http://www.youtube.com/watch?v=PBqUjtP43Co;>  
<http://www.youtube.com/watch?v=pKfievx1SKI;>  
<http://www.youtube.com/watch?v=pN9erEwEzUk;>  
<http://www.youtube.com/watch?v=pq0qaPCcTGU;>  
<http://www.youtube.com/watch?v=qCyyv8Fa-dg;>  
<http://www.youtube.com/watch?v=QdnJcUWWyM8;>  
<http://www.youtube.com/watch?v=QQ3FRPxAmRY;>  
<http://www.youtube.com/watch?v=qX5QH0FJLj4;>  
<http://www.youtube.com/watch?v=S7tFcjkh3FI;>  
<http://www.youtube.com/watch?v=sASvkrGteYg;>  
[http://www.youtube.com/watch?v=sW\\_Oems6qpE;](http://www.youtube.com/watch?v=sW_Oems6qpE;)  
<http://www.youtube.com/watch?v=T1ZdkIwEoqQ;>  
[http://www.youtube.com/watch?v=TH\\_Lioxxb5o;](http://www.youtube.com/watch?v=TH_Lioxxb5o;)  
<http://www.youtube.com/watch?v=T-IUxhxReQ8;>  
<http://www.youtube.com/watch?v=tLD9sad022o;>  
<http://www.youtube.com/watch?v=TOeq7sq-caQ;>  
<http://www.youtube.com/watch?v=WiIWkNuc9js;>  
[http://www.youtube.com/watch?v=xD7\\_c7JpxOM;](http://www.youtube.com/watch?v=xD7_c7JpxOM;)  
<http://www.youtube.com/watch?v=xGLadLqv7Jg;>  
<http://www.youtube.com/watch?v=xtfj1oURScY;>  
<http://www.youtube.com/watch?v=XwkSswiXJyM;>  
<http://www.youtube.com/watch?v=YQf0jVklf8E;>  
<http://www.youtube.com/watch?v=ySSZ5MmvPdg;>  
<http://www.youtube.com/watch?v=Yv-BR5CZCx8;>  
<http://www.youtube.com/watch?v=zOWmH1CII10;>  
[http://www.youtube.com/watch?v=ZYXwyLNAcCA.](http://www.youtube.com/watch?v=ZYXwyLNAcCA)

21. Upon information and belief, Defendant posted, or caused to be posted, the videos identified in paragraph 20.

22. Defendant did not receive a license to exploit FPM's Copyrighted Music in the manner set forth in paragraph 20.

23. Upon information and belief, Defendant copied and publicly performed FPM's Copyrighted Music through digital transmissions on the websites set forth in paragraph 20.
24. Upon information and belief, at all relevant times, Defendant maintained editorial control for content performed and/or copied on the websites set forth in paragraph 20.
25. FPM hired TuneSat, LLC ("TuneSat"), an online audio fingerprint technology and recognition service. TuneSat digitally detects music exploitation by searching across various platforms including hundreds of networks in countries around the world, including the United States, United Kingdom, Germany, France, Spain, and Italy. TuneSat works for various large music publishers, and has a database of tens of millions of songs.
26. TuneSat detected the use of FPM's music set forth in paragraph 20. TuneSat contacted Defendant concerning the unauthorized use of FPM's music.
27. Defendant has failed to acknowledge any wrongdoing and has forced FPM to bring the instant lawsuit.

**Count I:**  
**Copyright Infringement**

28. FPM incorporates the allegations set forth in paragraphs 1 through 27 hereof, inclusive, as though the same were set forth herein.
29. This cause of action arises under 17 U.S.C. § 501.
30. Each of the FPM Copyrights has been registered with the United States Copyright Office.
31. FPM owns all exclusive rights under 17 U.S.C. § 106 to the FPM Copyrighted Music.
32. Each of the musical works covered by the FPM Copyrights is an original work and constitutes copyrightable subject matter within the meaning of 17 U.S.C. § 102.

33. FPM has never granted Defendant or otherwise authorized Defendant to exploit the musical works covered by the FPM Copyrights.
34. Defendant's acts violate FPM's exclusive rights under 17 U.S.C. §106.
35. Defendant's infringement of the FPM Copyrights is and has been willful, intentional, purposeful, and/or in disregard of FPM's rights.
36. FPM is entitled to its damages and Defendant's profits from the alleged infringement, in an amount to be proven at trial.
37. In the alternative, FPM is entitled to statutory damages, in an amount of up to \$150,000 per infringed copyright.

**PRAYER FOR RELIEF**

WHEREFORE, FPM respectfully prays for judgment against Defendant as follows:

- (a) for a ruling that Defendant has willfully infringed FPM's copyrights;
- (b) for injunctive relief prohibiting Defendant from exploiting the FPM Copyrighted Music;
- (c) for FPM's damages and, to the extent not duplicative, Defendant's profits attributable to the infringement;
- (d) in the alternative to actual damages, for statutory damages under 17 U.S.C. § 504(c), in an amount of up to \$150,000 per work;
- (e) for FPM's costs of this action, including reasonable attorneys' fees under 17 U.S.C. § 505;
- (f) for prejudgment and post judgment interest; and
- (g) for such other and further relief as the Court deems proper and just.

**DEMAND FOR JURY TRIAL**

FPM requests a trial by jury on all issues so triable.

Respectfully submitted,

**BAKER & HOSTETLER LLP**

**Dated:** February 24, 2017  
New York, New York

By: /s/ Oren J. Warshavsky  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com  
Tatiana Markel  
Email: tmarkel@bakerlaw.com  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4624  
Facsimile: (212) 589-4201

*Attorneys for Plaintiff*